

02-25-03

JPW/1761



Phillips Lytle LLP

Via Express Mail

February 24, 2005

Mail Stop Designations
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: U.S. Patent Application Serial No. 09/834,253; filed 04/12/01;
for CO-EXTRUDED CHEESE SNACKS

Gentlemen:

Applicant respectfully inquires as to the status of the subject application.

We filed an amendment in this case on March 18, 2004 after a telephone interview with the Primary Examiner, Leslie Wong, on February 17, 2005. We have not received a copy of the Interview Summary. During that interview, the Examiner instructed the Applicant to amend the independent claims, Claims 1 and 16, to include a temporal limitation with respect to the flow of the core from the cheese product and the migration of water from the core to the outer layer, and agreed that such an amendment would place the claims in condition for allowance. A corresponding amendment was made on March 18, 2004.

On July 26, 2004, the Examiner issued a final office action, again rejecting all claims without addressing the amendment. However, we contacted the Examiner on August 26, 2004 at which time the Examiner acknowledged that the July 26, 2004 office action may have been issued in error as the Applicant's prior amendment (filed September 9, 2003) was attached to the February interview summary. As a result, the Examiner acknowledged that she may have inadvertently issued the July 26, 2004 office action in response to the September 9, 2003 amendment, rather than the March 18, 2004 amendment.

We again contacted the Examiner on October 7, 2004. At that time, the Examiner stated that a supplemental office action would be issued and that Applicant's time to respond to the July 26, 2004 office action would be restarted. The Examiner confirmed this in an Interview Summary, mailed on November 16, 2004, which states: "A new action will be issued restarting the time period."

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Assistant Commissioner for Patents
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We have made several attempts to contact the Examiner by telephone since that time, but have not received any response. Accordingly, Applicant would inquire as to the status of the subject application.

Very truly yours,

Phillips Lytle LLP

By 

Michael J. Berchou

MJB2/sdo
BFLO Doc. # 1462400.2

cc: Primary Examiner, Leslie Wong (Via Fax 703-872-9306)
Supervisor, Milton Cano (Via Fax 703-872-9306)